2-15. 303-a 6

P12

G. R. S. IX-5]

Previous references.

1897

~~191~~ .

(Annl.)

File No. 126-9

Serial Nos. 1-5

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-5

In ~~Part~~ B for Oct 1897

SUBJECT.

Complaint of Mr. Venkata Rao, pensioned Amildar of Kolar regarding the supply of water to the Karanjee in his Com

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W D 88—GPB—50,000—24 7-16

Indexed

Sl No 1
21

O. Ms No 2597 dt 21/8/97
303.96 (Sl no 25)

Serial no 1.

Serial no 1.

Memo

one pensioned Amildar, Venkata Row of Kolar petitioned the Government (No 404 R dated 5-8-97) appealing against the resolution of the Kolar town Municipal Board to stop the supply of water to the Karanji in his Compound. The petition was forwarded to the President for report From the file of papers submitted by the President, the following facts are gathered.

(2) On 5-2-96 certain people living in the Nagarkunta Street, Kolar town presented a petition to the Vice President of the Municipality complaining against Venkata Row for having included within the compound of his house the public Karanji from which they were taking water, thereby putting them to inconvenience and praying for the issue of orders for throwing open the Karanje for public use.

(3) When the Vice President had a talk with Venkata Row, it would appear he said he had no objection to the use of the Karanji by men of superior caste. But as the female members

of his house were access to the public entering his compound & taking water, he (the Vice President) directed the Amildar to inform Venkata Row to allow the petitioners free use of the Karanji or to call upon him to show the authority under which he claimed the exclusive privilege to the Karanji in view to the matter being placed before the Municipal Board and the President.

(4) The Amildar accordingly spoke to Venkata Row and reported that he (Venkata Row) claimed the right for the exclusive use of the Karanji on the ground that the same was situated in his compound and that it was included in his sale deed, that he had been enjoying it for a number of years, and that he would allow the use of the Kanji by only those that were in good terms with him.

No 202 dt 9-4-96 (English) Serial no 1 page 2

(5) The Vice President then perused the following documents in the possession of Venkata Row and, not being satisfied as to Venkata Row's exclusive right to the Karanji, requested the Amildar to call upon the former to produce his documents in support of his title to the Karanji

No 141 Dt 14-4-96 in Englis Serial nos 1 & 2

(a) Hukkam granting a vacant site for building purposes, in which no mention was made of the existence of a Karanji

(b) Sale deeds to Venkata Row in which mention was made of a ruined Karanji

(6) The Vice President further added that if Venkata Row should still persist in refusing the use of the Karanji to any high caste men of the Street on the ground that he did not like them, the Municipality would stop the supply of water to the Karanji in question and build a separate Karanji in an open place in the neighbourhood or in a private house, subject to the owner thereof agreeing to allow the public to take water from it.

Serial no 2 page 2
Do 3.

(7) The Auditor in submitting Venkata Row's Kaufyit and copies of documents in his possession stated that the site ~~for the Karanji~~ was granted to the late Assistant Commissioner, Mr Srinivasa Row for a building site in pursuance of the late Bangalore Division Superintendent's order No 282 of 27th October 1860, that Srinivasa

Sold it to one Narayandappa, who again sold it to him (Petr.) and that in both the Sale deeds mention was made of a Karanji as being situated within the site sold, that it was not certain whether the particular land granted to Srinivasa Rao Contained the Karanji in question, and that Venkata Rao had been enjoying it from a long time & that if an opening were made in his compound, it would endanger the safety of his house. The Amildar in the same report proposed to open a new Karanji in the neighbourhood for the convenience of the public.

(8) On this Mr. Maclean passed an order to the effect that a notice should be served upon Venkat Rao calling upon him to throw open the Karanji to the public use within thirty days from the date of the receipt of notice and that —

NO 191 of 15-6-96
Serial no 3 part 2

if he should fail to do so on all supply to the Karanji would be stopped from the Municipal tank.

(8) He argued that the vendor Venkata Rao Kavuji, purchased the Karanji from Srinivasa Rao did not give him any right or title to the water of the tank which fed the Karanji, that the right to the water belonged to the Municipality who only could concede it to him, and that in the absence of documents supporting his right to the water, the Municipality would be within its bounds to cut off the supply of water to the Karanji as the sale deed did not specify the right to water.

Serial nos 5 & 6

(9) In a Kaifyat before the Amildar and in a separate petition to the above officer, Venkata Rao stated that the land, measuring 30 2 X/0 containing the Karanji [illegible]

was granted to the late pensioned Assistant Surveyor Srinivasa Rao as per order of the Division Superintendent for building a house thereon that the said land was subsequently sold by the said Srinivasa Rao. to one Narayanadappa for Rs 200, who in turn sold it to him for the said amount, — that in the sale deed executed by Srinivasa Rao & in the one executed by the other in his favour, mention was made of a ruined Karanji as having been included in the land thus sold, that he was put in possession of the land in question including the Karanji in the year Bhathu, that as he found the Karanji in a ruined state he got the silt removed and constructed the well (Karanji) with stone & mortar, that as the conduct was sound, he got supply of water to the Karanji from the tank, that he had put up a compound wall and a gate to his house from the very beginning to suit his convenience, that he had been exclusively using the water of the Karanji from the beginning, that there was no objection or road from the municipality was not granting him a

new concession as to the use of the water, and that the Municipality might not cut off the supply of water to the Karanji

(11a) [The order of the Division Superintendent granting the site in question to Srinivasa Rao simply states that as Srinivasa Rao had petitioned that office to the effect that he had already applied for the piece of waste land near the Chattram, the same might be given to him, if it was a Govt. land & there was no takrar about it.

(b) Srinasa Rao sold the land in question in 1879 to Narayanadassa as per Sale deed dated 7th oct 79 & the other Sale deed in favour of Venkata Rao is dated 2 3 83. Both these deeds are registered in the Sub Registry office & in both the Karanji is mentioned as a tanned one.]

(11) As per English order No 19 · 9 · 15/6/96 of the Dy Commr, a notice was served on Venkata Rao calling

upon him to throw open the Karanje for the use of the public within 30 days from the date of the notice, failing which the Municipality would cut off the supply of water to the Karanje.

(12) The Municipal Daroga then reported that Venkata Row had not thrown open the Karanji and that a separate Karanji might be built in Ammiahchari's house in the same Street

(13) The Amildar also reported to the Vice President to the same effect.

(14) Then the Vice President submitted a memo ~~and submitted~~ to the President for orders.

(15) The matter was discussed by the Board & it was resolved that the supply of tank water to the Karanji should be stopped till Venkata Row threw it open to public

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(16) In 1887 certain inhabitants of Kolar presented a petition to the Deputy Commissioner ~~Complaining~~ stating that the Karanjis situated in the marginally noted places

(1) Near Nilakanta Row's house
(2) Do Doddarayappa's house
(3) Venkata Row's house

were originally constructed at Govt cost for
the use of the public, that the
said 3 individuals had included
the Karanjis in their houses
by putting up compound walls &c,
that consequently public were put to
great inconvenience and praying
for orders to throw the Karanjis open
on the road side to enable the
people to take water from them.
On this, the Deputy Commr directed
the Amildar to ascertain how many
Karanjis there were that were
included in the compounds of
houses and to issue orders to such
people to throw the Karanjis open
on the road side.

(11) Notices were accordingly issued
& served on the persons concerned.

Venkata Rao made a remark on
the back of the notice that the site
containing the Karanji was pur-
chased by him, that when he
purchased the site the Karanji
was in ruins, that he got it
repaired at a great cost, that he
had been in the enjoyment of the

12 years that it would not be
convenient for him to
throw the Karanji open on the road
side

(12) Ramachandra Rao, on whom the notice
was served made a remark that he
had provided a separate door
for the public to enter & take water
& that he had no objection to the
people entering the Compound for
taking water.

(19) The question was not finally settled
on that occasion and this has
now given rise to the complaint
now preferred by certain inhabitants
of Kolar.

DK
20/9/97

[redacted].

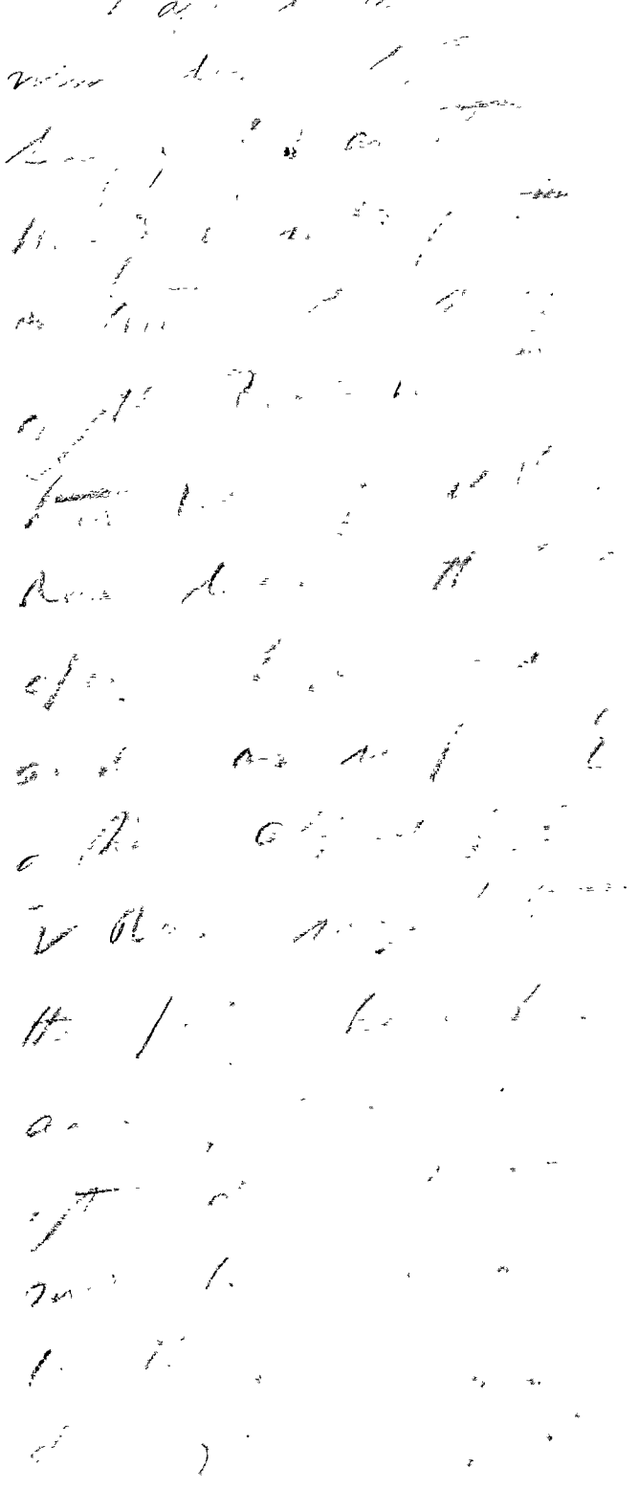
The question of ownership
is immaterial. The only ques-
tion is whether notwithstanding
Venkata Rao's refusal to
allow the public to resort
to the Karanji in his com-
pound ~~to the~~ the Municipal
Board are bound to
feed that Karanji with
water from their Conduit - I

Donot think they are - Vera
Kat Ross condition
is unbearable -

Sabed 6-7-97

30-9-97

7428



Pieces of correspondence
re Karanji in Kolar
town claimed by Venkatta

Drafted
2/10/97

Draft with document

3-10-97

Order on the petition
" Register and transfer to L.B.
Board & Dy C.R.S. 5/8/97

Dmg/8.

All may then be forwarded to the
Presidency for perusal Dmg 11/8/97

16/8/97 A S ch
Dmg/16/8

1897

No. 404

Name of Petitioner Venkat Rao, Pensioned Amildar

Village Kolar

Taluk Do

District Do

Date of Arzi 30-7-97

Date of Receipt 5-8-97 Rec'd B 9/8

Date of Disposal

No. of Enclosure One.

ABSTRACT

The petitioner appeals against the Resolution of the Municipal Board of Kolar dated 8-4-97.

The resolution is as follows:—

"Resolved that as Sri Venkata Rao has failed to comply with Mr. Quadiah's notice, the supply of tank water to the Karanjia will be stopped till he leaves it open to public use"

The petitioner states that there is a Karanje well in the compound of his house in Kolar; that it has been receiving its supply of water from the Kolar tank since 1850; that the public have full access at all times of the day to the

1860 to the district
gauze in Jetha

and Karanji well; that owing
to some misunderstanding between
him and the then Vice President
of the Municipality, an order was
passed by the latter that the
supply of water to the Karanji
would be stopped if he did not
open a doorway in his Compound
wall; that as an opening in the
Compound wall would render
his ~~resident~~ house unsafe and
inconvenient he was unable
to comply with the said order;
that the copy of the resolution
now appealed against was sent
to him on 12-5-97; that he
and the public who were making
use of the well water are put
to great hardships by the resolution;
and that he is also prepared
to pay the water tax if so ordered

He prays for orders directing
to supply water to the well
in dispute.

Karj
7/8/97

25-97
F 303-96 E. 21/8/97
h. me

MYSORE DEWAN'S OFFICE.
Local Boards Branch
~~Dewan's Department.~~

OFFICIAL MEMORANDUM

Enclosing Petition No. 402
dated 30 July 1897 received from ~~Dewan's Office~~ one Venkat Row now at Kolar
Peishwa Amildar, complaining against the resolution of the Kolar town municipal Board to the effect that as he has failed to comply with Mr. Madrah notice the supply of Earth water to Karanje well in his compound he till he leaves it open to the public

of Chargeu, together with its enclosures to the President of the municipality in the Kolar District for report thereon.

B- o -er

Dated 1897 for

Gen. 31.]

1897 98 2082

From The President of
Municipal Board
Kolar District

To

The Secretary to the
Government ~~Dewan~~ of Mysore.
Revenue and General Depart^t

Submitted for order
with a precis prepared by Krishna
Murthy Iyer 23/6/97

Section Gen.
File No 126-97
Serial No 31

Dated 31st August 1897
Despatched 4-9-97
Received
General No. 834
No. 225
Enclosure No. 1 & file

Reporting on the petition of
Venkata Rao, Pensioned Amildar
complaining against the resolution
of the Kolar Town Municipal
Board for stopping the supply
of tank water to the Karanji
wells in his compound

LBB
6/9/97

Petn. to 79

Petn. to
Please return with G.O. 303-96 and Govt. Council No. 7/9
for the issue of [illegible]

14/9

Submitted with a precis.
S.K.
20.9.

Fole Revd. as per
S.K.
15/9

Office of the President of Municipality
Kolar District
Dated 31st August 1897.

To

The Secretary to the
Government of Mysore
Revenue and General Depart.

Sir

With reference to your official memorandum No 2597/27 303-96 dated 30th July last forwarding for report a petition received from Venkata Rao, Pensioned Amildar complaining against the resolution of the Kolar Town Municipal Board for stopping the supply of tank water to the Karanji well in his compound till he leaves it open to the public, I have the honor to submit herewith the entire correspondence on the subject and to state briefly as follows.

2 The Reservoir known as Kelkoty Tank is situated on the western end of the Kolar Town and water is conveyed from it by means of a masonry conduit pipe to the several Karanji wells constructed in the town for the benefit of the public The Karanji well in the petitioner's compound is one of the above description and stood on vacant site to the north

north of the then Purniah's Chattrum and close to the Road bounding it on the north and on the east When this Chattrum fell in ruins, it was sold by auction and purchased by one Lakshman Rao pensioned Amildar Subsequently in 1860 the vacant site to the north of the chattrum was given by Col Dobbs to the late Assistant Commissioner Rev In Sreenivasa Rao. This grant however made no mention of this Karanji The two plots were then sold by the latter in 1879 to the petitioner and in this sale deed the Karanji was expressly mentioned But the petitioner did not build his house for some years and failed to enclose the whole compound for some time and when he did include the well therein, he left a good opening in the northern wall so that people could draw water at all times independently of him

(3) But this was subsequently closed by him and the exact date of such closing cannot be ascertained though it has been averred by Mr Seetharamiah, Pensioned Deputy Amildar that the petitioner had done so some 10 or 12 years ago Even after this the public appear to have been using this Karanji up to very lately as they were

were allowed ingress to the petitioners compound He stopped this practice also and gave rise to the complaint in question

4 Thereupon the residents in the neighbourhood petitioned the authorities to direct the petitioner to throw open the well to public use Mr Madiah the late President of the Municipality, was of opinion that the petitioners purchase of the Karaiya in question did not give him any right or title to water of the tank which feeds the Karaiya, that the right to water belonged to the Municipality who only could concede it to him and served him with a notice that unless within 30 days from the date of notice the Karaiya was thrown open to the public all supply to it would be cut off He did not act up to it

(5) When the subject matter was brought before me for orders, I inspected the Karaiya in question and explained to the petitioner the advisability of reopening the slot in the compound wall where it had formerly existed and throw the well open to public use He has not only declined to do so on the grounds of insecurity to his house, but also refused

to

to allow ingress even to high caste Hindus into his compound, as it would interfere with his sacredness (made) The petitioner seems to think that his title to Karanji is supreme and that no one could interfere with it or with its supply as the same has been included in his sale deed

6 It is not denied that the Karanja was originally a public one It is close to the Roads on two sides and an inspection of the place with the title deeds of petitioner would show that the site of the Karanja could not have been intended to be alienated by Col Dables The sale by Mr. Dr Sreenivasa has can confer no valid right and the subsequent possession did not interfere with the user by the public till recently and the petitioner cannot well plead limitation For these reasons, I myself thought that the grant could not take away the right of the public to use public water in the public Karanji though it might have been enclosed by the petitioner and ordered the question to be placed before the Board At a meeting held on the 8th April 1897, the Board unanimously passed

(41)

Section ___ A ___
No ___ 46 91
Serial No ___ 1 ___

Read:—

Letter No 834/225 dated 31st August 1897 from the President of the Municipal Board, Kolar submitting as called for in C. ell. etc No 25/97 dated 2-9303-96 with papers 30th July 1897, a report on the Petition of the pensioned Amildar Venkat Row complaining against the resolution of the Municipal Board discontinuing the supply of tank water to the Karanji in his compound till the Karanji is open for the use of the public.

Order thereon 4262 R 1809
2/9303-96 9/10/97

From the papers received with the above it would appear, that the Karanji referred to was constructed at Govt cost and was freely presented to by the public till lately. Recently Venkat Row having requested to open the Karanji to the general public on the ground that he was the owner thereof, the Municipal Board resolved to

that the Karanji in question was being freely resorted to by the public & under a short time ago when Venkat Rao having refused to allow the public access thereto on the ground inter alia that he was the owner thereof.

to discontinue feeding the Karanja with the water of the Kilkoti tank Venkat Row appeals against this resolution. In this case, the question of ownership is immaterial and the point for consideration is whether, notwithstanding Venkat Rows refusal to allow the public to resort to the Karanja in his compound, the Municipal Board are bound to feed that Karanja with water from their tank. The Court are of opinion that the Board are not so bound and that the contention of Venkat Row is untenable. His petition should therefore be rejected. But the Municipality is however willing to continue the supply of the Tank water to the Karanja, if Venkat Row leaves the latter open to public use and

Ole 6.1.1

× ~~Circular~~ ~~on~~ para III of res appeal petitions. ~~Vesantara~~ Row ~~says~~ "that the public have full access, at all times of the day, to the said Karanja well for the purpose of drawing water", ~~it was~~ ~~suggested that~~, ~~of Vesant~~ ~~Row~~ ~~executive~~ Muthelcha ~~to the~~ Board ~~to the~~ effect ~~that~~ ~~he will allow the~~ public to ~~draw water from~~ the Karanja ~~during~~ the day and ~~afford facilities for doing so,~~ the supply of the Tank water may be continued. ~~for~~ ~~which~~ ~~effect~~ ~~is~~ ~~made~~ ~~"~~

~~"~~

~~Circular~~ ~~dated~~ ~~6.1.1~~ ~~from~~ ~~the~~ ~~Collector~~ ~~of~~ ~~Bellary~~ ~~forwarding~~ ~~a~~ ~~petition~~ ~~from~~ ~~the~~ ~~Karanja~~ ~~Committee~~ ~~praying~~ ~~that~~ ~~the~~ ~~Board~~ ~~may~~ ~~be~~ ~~pleased~~ ~~to~~ ~~direct~~ ~~the~~ ~~Municipal~~ ~~Council~~ ~~to~~ ~~afford~~ ~~all~~ ~~facilities~~ ~~for~~ ~~the~~ ~~drawing~~ ~~of~~ ~~water~~ ~~from~~ ~~the~~ ~~Karanja~~ ~~well~~ ~~during~~ ~~the~~ ~~day~~ ~~time~~ ~~and~~ ~~if~~ ~~necessary~~ ~~to~~ ~~close~~ ~~the~~ ~~Tank~~ ~~well~~ ~~during~~ ~~the~~ ~~night~~ ~~time~~. ~~The~~ ~~Collector~~ ~~is~~ ~~informed~~ ~~that~~ ~~the~~ ~~Board~~ ~~have~~ ~~given~~ ~~effect~~ ~~to~~ ~~his~~ ~~request~~.

D A

Secretary
2/1/27

To

The President and Board &c.

returning the Enumerated papers received with the letter read above

7440

14 R L 814

4274

LP 30 3 96

MYSORE DURBAN'S OFFICE,

PETITION DEPARTMENT,

The 11-10 — 190

Endorsement granted to Venkat Rao, pensioned Amildar, residing at Kolar

in reply to his Petition Registered No. 404 dated 5/8/97 Complaining against the resolution of the Kolar Sal. Board to the effect that the supply of tank water to the Karanjee well in his compound would be stopped owing to his having refused to open it to the general public

Petitioner is informed that from para III of his appeal petition, the Government infer that he (the petitioner is willing to allow the public to draw water from the Karanjee as heretofore and to afford all facilities for their doing so during the day; and that if he executes a Muchalika to this effect in writing, the supply of the Tank water may be continued

2 Drafts ...

Draft

Draft endorsement submitted

Hm 4/10/97

'By Order'

For Chief Secretary

Hmj 4/10/97

M.G.C.P.B- 19-2-95—1,000